

REMARKS

Claims 1-38 and 82-86 were rejected in an Office Action dated February 21, 2007. In response to the Office Action, please consider the remarks provided herein. Applicants respectfully request reconsideration of the present application in view of the following remarks.

Rejections under 35 USC §103(a)

Claims 1-8, 16-32, and 82-86 were rejected under 35 USC §103(a) as being unpatentable over US 2001/0006173 to Rock et al. (Rock '173) in view of US 3,768,156 to Caird et al. (Caird '156). Claims 9-15 were rejected under 35 USC §103(a) as being unpatentable over Rock '173 in view of Caird '156 as applied to claims above, and further in view of US 5,236,765 to Cordia et al. (Cordia '765). Claims 33-38 were rejected under 35 USC §103(a) as being unpatentable over Rock '173 in view of Caird '156 as applied to the claims above, and further in view of US 5,658,164 to Parker (Parker '164).

Applicants assert that a prima facie case of obviousness has not been established where all claimed elements have not been disclosed or suggested by the cited documents, alone or in combination, and no motivation has been provided to modify Rock '173 in a manner which renders the claimed invention obvious.

First, Applicants acknowledge the Office Action assertion that "...Rock et al. differs from the claimed invention because although it does disclose employing multiple fabric layers it does not explicitly state that the cable extends across two of the layers." (For purposes of this response, Applicants assume that by "layers" it is meant "joined textile panels" as claimed in Applicants' pending application.)

To overcome this limitation, Caird '156 is cited as teaching that conductive cables such as electrodes can be incorporated into garments such as jackets so that the cable extends across two fabric panels, further stating that it would have been obvious to one of ordinary skill to have formed the jacket of Rock '173 so that the cable extends across two fabric panels.

Applicants traverse the rejection and assert that the proposed combination does not render the present invention obvious. Moreover, in view of the combination of Rock '173 and Caird '156, one skilled in the art may even be directed away from the claimed invention.

As with Rock '173, Caird '156 teaches stitching an electrode to panels. Caird '156 teaches three elements, for placement in a jacket. According to Caird '156, two elements are constructed to heat the front portions across the jacket chest, and a third to heat the upper back portion. Strips of fabric join the front and back elements. An electrode is stitched to the front and back elements, and stitched across the strips of fabric joining the front and back elements. When constructed, the panels 41a, 42a, 43a, 44, and 45 are then sewn onto the lining of a jacket or coat.

Thus, Caird '156 does nothing to remedy the deficiencies of Rock '173. Nowhere does Caird '156 disclose or suggest that the electrode can be attached across panels of a jacket, itself, as currently claimed, for example, in claim 82. Caird '156 teaches only that after stitching an electrode to fabric strips, the strips can be integrated into a garment. As with Rock '173, any elements made according to these references are incorporated into garments only after first being formed into a fabric panel. Neither teaches the direct incorporation of elements onto a jacket absent first assembling into a composite to be attached to more than one garment panel.

Additionally, neither Rock '173 nor Caird '156 teach the claimed element of a cable extended across at least a portion of at least two joined textile panels and a length of tape comprising an adhesive that covers and adheres to the upper cable surface for the cable length, extending beyond cable side surfaces onto the textile panels and adhering to the panels.

Applicants traverse the position of the Office that the barrier of Rock '173 corresponds to the tape of the instantly claimed invention for the reasons presented in Office Action Response of November 30, 2006. Moreover, where the barrier of Rock '173 is provided to cover the entire element width, there is no disclosure or suggestion of a barrier in the form of a tape. With regard to independent claims 1, 33, 82 and the claims dependent thereon, Rock '173 does not teach the claimed element of a tape comprising adhesive that adheres to the upper cable surface of the length of cable. The conclusory statement made by the Office that it is clear that Rock '173 teaches at Figure 14 that the adhesive 104 is in contact with cable 16 is traversed. Clearly this Figure 14 does not show that the adhesive layer extends over the surface of the cable and extends around side surfaces onto textile panels. The Office

merely states that there is nothing in Rock '173 which teaches not contacting the adhesive to the cable. Applicants assert that this is an improper rejection since each and every limitation in the claim is not presented in the references cited.

Figure 12 shows no attachment, adhesive or otherwise, between the barrier and fabric layers. Paragraphs [0015] and [0030] distinguish "associated" (Figures 12 and 13) and "attached" (Figures 14 and 15) referring to the relationship between the barrier and fabric layers, not the conductive element. Paragraph [0032] teaches the barrier layer joined to the fabric layer, not the resistive heating element or conductive yarn. Figure 14 shows the barrier attached to the fabric layer while overlying the heating/warming element. The adhesive (14) does not contact the conductive yarn (16); clearly, no adhesive is shown to adhere to the upper surface of the conductive yarn. Thus, it is incorrect to conclude that the adhesive would, therefore, necessarily adhere to the conductive element, and no suggestion or teaching that it does.

Where Lumb does not disclose or suggest a resistive heating element as a component of the composite fabrics taught therein, and only teaches attachment of a barrier layer onto a fabric layer, it does not overcome the deficiencies of Rock '173. If the Office maintains its assertion that Rock '173, either alone or in combination with Lumb, discloses or suggests the claimed element of a tape comprising adhesive adhering to the upper surface of a cable length, Applicants respectfully request that the specific portions of Rock '173 be cited for clarification.

Where dependent claims 2-31, 34-39, and 83-86 contain all of the limitations of independent claims 1, 33, and 82, the claims are deemed patentable over Rock '173 alone, or in combination with Parker '164, for the reasons previously set forth. Claims 9-15 are rejected under 35 USC §103(a) as being unpatentable over Rock '173 as applied to the claims, and further in view of Cordia '765. Applicants assert that where claims 9-15 are dependent, directly or indirectly, upon claim 1, having all of the limitations of claim 1, they are patentable for the reasons set forth for claim 1. Removal of the rejections under 103(a) is respectfully requested.

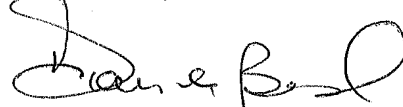
With regard to claims 9-15, Cordia '765 is cited to overcome the deficiencies of Rock '173 which the Office states does not disclose particular types of adhesive. Applicants traverse the rejection that

Cordia '765 teaches the adhesives at col. 9, lines 4-16 can be used to bond heating elements to fabric layers. Cordia '765 at col. 9, lines 4-16 only teach these adhesives as useful for bonding the cover to the object to which it is applied; it does not teach bonding the heating elements to the fabric layers. Therefore, removal of the rejection is requested.

Conclusion

For the foregoing reasons, the present invention as defined by the claims is neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,



Dianne Burkhard, 41,650
W. L. Gore & Associates, Inc.
551 Paper Mill Road
P.O. Box 9206
Newark, DE 19714-9206
(302) 738-4880

Date: August 21, 2007